

In The United States District Court
For the Southern District of OHIO
Western Division at Dayton

United States of America :

Plaintiff,

Case NO: 3:17-CR-071

Vs. :

Laith Waleed Alebbini :

Judge: Walter H. Rice

Defendant :

Motion For New Trial

Defendant Laith Alebbini, by himself, and pursuant to crim. R. 33(A)(6), Moves the court to order a new trial on the basis of newly discovered evidence which defendant could not have discovered with reasonable diligence and produce at his trial: November 13 - 2018 to wit: What's App Audio text messages.

Introduction: The lying of a Police officer which Substantually contributes to the conviction of a defendant is a sufficient infringement upon the integrity of the court to warrant a new trial: State V. De Fronzo, 59 OHIO Misc. 113, 13 OHIO op. 3d 337, 394 N.E.2d 1027, 1978 OHIO Misc. (exis 95 (cp 1978)).

Your honor the F.B.I agent lied on numerous occasions. Lie #1: He lied to the grand jury by testifying that I have contact with ISIS which indicted me of conspiracy. He also said the same lie during my trial. Testifying that I have contact with ISIS and Mr. Dominiks. Gerace argued in the closing argument that it's up to the honorable judge Rice if he takes the F.B.I Testimony.

Agent Herwig knew that it was my cousin: "The defendant was communicating with his cousin U.I.A Audio text in the presence of the C.H.S. The individual identified as the defendants cousin stated, ... Remaining and expanding, by the will of god, It's a promise ... Do not hesitate" (Please see P.S.I report page 9)

Agent Herwig has lied to the court and the Grand Jury By say Laith Alebbini has contacted ISIS because he talked to a Friend in Syria. Even Though he knew that my Friend was try to persade me not to come to Syria. (Please attachment A Gout. Exh. 501)

Please note your honor that the defendant has advised the F.B.I about the evidence. (Please see ALE-00028406 & ALE-00028407)

This proves that the F.B.I has lied knowingly and deliberately because he had no reason what so ever to believe I had contact with ISIS. He testified under oath against the recorded evidence.

Your honor my cousin Muhammed Ababneh has testified in front of the court that it was him, that said the ISIS Motto, and also this newly discovered evidence. (The same audio text message I played in the presence of the C.H.S) will be clear and convincing evidence.

Lie #2: The F.B.I agent lied during trial saying that the defendant has pledged allegiance to ISIS with his cousin. Which is what led up to my conviction of conspiracy.

Your honor I have also included some articles about Bai'Yah (Allegiance). This will prove that my Pledge with my cousin Raid to protect the Syrian people is a pledge of Adherence. Please find enclosed document #3 (3.1) and document #4 (4.1).

With regard to how the Allegiance should be given to the leader, In the case of men, It is done in word and in deed, Namely with a handshake. [Please see document #5 (5.1) and document #6 (6.1)]

Your honor the defendant was surprised by the F.B.I's testimony, had the defendant known that the government was going to argue this point, I would have provided the honorable Judge with a judicial notice on the subject or at the least, asked the expert Dr. Vidino to explain this matter. That's exactly why the government had the agent testify to this lie, and not the expert.

"A Fact can not be regarded as proved where the evidence merely gives rise to conjecture or suspicion of its existence" #1

Conclusion: The newly discovered evidence will dismiss the F.B.I's testimony in which the defendant was prejudice and lead to his conviction. Also it will render the governments case weak since the agent was the star witness.

Based on this, the defendant ask the court for a new trial pursuant to Crim. R. 33(A)(6).

Humbly and respectfully,

LAITH ALEBBINI



#1

Lake Shore & M.S. Ry. Co. v. Andrews, 58 Ohio St. 426, 51 N.E. 26 (1898)

Alebbini:

I swear by Almighty Allah that anyone who talks to me and tells me to do something, I do it, then I come back and make sure. I talked to Syrians, Raid's friends in Syria. He asked me "so you want to join the jihad and you are a decent man?" I said "yes". He was like "That's fine but this is not the right time, because there is sedition in Syria". He explained that I may accidentally kill a Syrian, so it is better to wait till it's the right time for jihad. The man persuaded me after discussions and after I proved to him that the Islamic State is right and everything, but he said "You may possibly kill a Syrian...eh... a Muslim." So I went and I read the Quran then kneeled down twice in prayers. While reading the Quran, I found Allah saying in the Quran, in Surat al-Baqarah: "And fight for God's sake so the religion, all of it, is for Allah and until there is no more fitnah", so that there is no sedition because, *cousin*, sedition is the problem. I mean--

ISLAM NOT ISIS

WHAT WOULD PROPHET MUHAMMAD THINK OF

ISLAM NOT ISIS

PLEASE SUPPORT SOUND VISION'S CAMPAIGN TO DEBUNK ISIS & ISLAMOPHOBES.

For the past 15 years, Sound Vision has been the leading voice in the Muslim community, providing accurate information and support to Muslims and non-Muslims alike. We have been instrumental in the fight against terrorism and the promotion of peace and understanding.

DEBUNKING ISLAMOPHOBES

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Do ISIS or other terrorists represent Islam as exemplified by the life and teachings of Prophet Muhammad?

This chart makes it clear that the terrorist group does not.

PROPHET MUHAMMAD - Peace & Blessings	ISIS THE TERROR
said be merciful to people so God is merciful to you	angers God by being merciless to humanity
banned killing prisoners	enjoys beheading prisoners
prohibited killing any civilians	kills civilians, including children
established law and order	seeks to destroy law and order
campaigning to end slavery	is reestablishing slavery
liberated all his slaves	enslaves people
prohibited rape	engages in rape
established peace among warring tribes of Arabia and different religious groups	terrorizes and rejects peace among people
expressly forbade burning anyone alive	burns people alive
declared Muslims, pagans, and Jews of his state as one people with full freedoms	has no regard for people of other faiths like Christians and Yards
ordered to protect churches	destroys churches
abided by his treaties and agreements	breaks all treaties
prohibited calling a Muslim kafir (disbeliever)	calls everyone kafir who does not follow them

PROPHET MUHAMMAD.
God's peace and blessing be upon him, is established in the Quran as a mercy to all of the world. He came to establish peace, justice, law and order. As the ruler of the world, he is diametrically opposed to everything he taught and expected his followers to adhere to.

ISIS DOES NOT REPRESENT ISLAM OR MUSLIMS
A large number of Muslim scholars worldwide (http://islamicawake.com) have already unanimously refuted the arguments and rationalizations put forth by ISIS that their crimes are "Islamic".

Most Muslims have nothing in common with ISIS. In fact, the overwhelming majority of Muslims are Muslims. That is why the majority of Muslims feel a very great compassion for the terrorist group.

ISIS should be put in the same category as the KKK (Ku Klux Klan - http://history.com/replicasklanklan) in the United States and the Lord's Resistance Army in parts of Africa. And ISIS should be treated as a grotesque aberration from Islam as the KKK and the LRA are considered aberrations from Christianity.

STAND with the Prophet
In Love & Peace Against Hate & Terror

Govt. Exh. 2a

here, and we'll be back and get you out of this cold room and out in to the warm, okay? We will turn the heat up. Thanks, Laith.

MR. ALEBBINI: Welcome.

MR. STEHWIEN: Appreciate it.

MR. ALEBBINI: Welcome. Thank you for, you know, being so smart and people of thought instead of people of, you know, people of craziness like overseas.

MR. HERWIG: Yeah. We wanted to talk to you and understand what you truly thought, and you told us that. Thank you.

MR. ALEBBINI: Yes. And we'll leave it to the judge. He got the brains, and he knows.

MR. HERWIG: All right. Thank you.

MR. ALEBBINI: Welcome.

(Mr. Herwig and Mr. Stehwien exits the room.)

(Mr. Herwig and Mr. Stehwien entered the room.)

MR. HERWIG: Hey, Laith, before you get out of here, just almost done, just one question that is coming up on your, on your phone,

I think you already gave your pass code to them as far as --

MR. ALEBBINI: I, I don't have a pass code.

MR. HERWIG: Doesn't have a pass code, okay. And then you have WhatsApp on there?

MR. ALEBBINI: I have WhatsApp, that's what I use and sometimes Emo, yeah. But I think my wife had deleted all the conversations on WhatsApp because a couple of days ago I went to the store I had warranty on it (unintelligible) change the phone, and she reset the whole phone for me, so we downloaded WhatsApp again.

MR. HERWIG: So it's new, there's not much on there?

MR. ALEBBINI: There's something on there, but it's not going to be what I referred to in long conversation.

MR. HERWIG: It's already going to be wiped off?

MR. ALEBBINI: You could get it from other phone, though, I guess.

MR. HERWIG: What do you mean?

MR. ALEBBINI: Like, if my brother phone because my brother or one of my cousin's

ALE-00028407⁹⁹

[phone, you could see the whole conversation over
that.]

MR. HERWIG: What's your, this
just prompted my memory, Hossam, your brother, does
he ever agree with you or he --

MR. ALEBBINI: Hossam, Hossam,
Hossam, my brother, he, I just don't know what to
say because I don't want you guys to think that
they are bad people or something. It's just Hossam
always Hossam, my brother, he always agrees with
me, but he is a coward. He always says, how you
going to take a change in this life? I tell him,
it's not my responsibility. You need to make
changes. We just make an effort. The changes, God
makes them. We just make an effort, and he said,
these Masonic people who control the world and the
(unintelligible) family and the antichrist, we live
in the antichrist days, how are you, you are going
to die right away.

02:38:15
I said, it doesn't matter, man, I
die in the sake of nature. I die in the sake, you
know, for people, for mankind. It doesn't matter.
A lot of people have died all of the good people,
anyway, have died (unintelligible)

MR. HERWIG: So does he, I see

you, he sees what the truth is, but he's not willing to act on it?

MR. ALEBBINI: He's not willing to act on it, yes, that's it, you know, just have a say in it. And back home they say, put your heads with the heads and just go with the flow, just don't worry, you know, put your head where everybody's heads, it's like you are an animal pretty much, like a cow.

MR. HERWIG: That's what he does?

MR. ALEBBINI: When a cow sees the cows going, she knows there's the grass. She just, the reason that, that the mentality stays, just throw your head there because there's going to be food. So with him, he just say wherever people throw their heads, throw their head. It doesn't matter if they are right or wrong.

MR. HERWIG: Now, I think I saw you, did you used to have a Viber account?

MR. ALEBBINI: I think long, long time ago, but I don't think I have an account. I don't remember.

MR. HERWIG: So you just use WhatsApp to talk to people overseas?

MR. ALEBBINI: Yes.



The Islamic

Caliphate The Caliphate The
Caliphate The Umayyad
Caliphate The Caliphate The
Abbasid Caliphate The
Caliphate The Caliphate The
Monarchy The Fatimid
Caliphate The Ottoman
Caliphate

Islamic conquests

Mecca · Sham · Persia Egypt ·
Morocco · Andalusia · Gaul
beyond the river ·
Constantinople · Southern Italy ·
India

Celebrations and Events

Holidays in Islam

Eid al-Fitr · Eid al-Adha

Islamic occasions The

anniversary of the Prophet's
birth · The anniversary of

Ashura

Celebration of the New Year of
the Islamic

Soldier

The pledge of imamah obliges the imam to perform duties, which are in general the application of the provisions of Islam in general and to safeguard the interests of the nation. This allegiance obliges all members of the nation to obey and obey the imam and support him, unless his .condition changes

PLEDGE

As for the sale of people and their covenants, they have the right to commit any act of obedience, such as jihad, da'wah, enjoining what is good and forbidding evil, or providing relief to the oppressed, and supporting the oppressed. Thus, it is not required for the validity of these sales to be based on the provisions of all of Islam. We shed it from .evidence

PLEDGES

3.1

Fulfillment and Obligation

The pledge of allegiance to the Muslim imam is obligatory for every .Muslim. No one can disavow them or leave them at all

Because of the hadeeth of the Prophet: (will be the successors she can , they said: So tell us , O Messenger of Allah? He said: Fuwa first .allegiance first one) [6] , and ordered to fulfill Bbiathm

Edema of not Ibaya in saying: (who died not in the neck of allegiance died [7] (of ignorance

It is enjoined on the necessity of this allegiance in saying: "The Muslim [8] ".community and their imam are required

Ahmad bin Hanbal said: "And the one who overtook them with the sword until he became a caliph, and he was called the Commander of the Faithful. No one can believe in Allah and the Last Day, that he should not .sit and see him as an imam

As for the sale of the people and their covenants on the acts of worship, it is obligatory only on the one who has entered into it with his consent. He .must preserve the Covenant, not the original

Duration

The gift of the imam is permanent and is not interrupted unless the imam dies or has a reason that necessitates isolation from a lack of religion or [10] .an ineffective deficiency in the body

As for the sale of people and their covenants, they may be delayed by .time or work

And imam Ahmad also narrated from Jarir, may Allah be pleased with him, who said: "I gave bay'a to the Messenger of Allah (may Allah bless him and grant him peace) to establish the prayers, and give the Zakaat, and to give *naseeha* (good council) to every Muslim." (Narrated as well by al-Tabari).

And imam Ahmad, an-Nasa'i, at-Tabarani and others narrated from Abi Umama and Thawban, that they both gave bay'a to the Messenger of Allah (may Allah bless him and grant him peace) not to ask anything of others. Likewise did sayyidna Abu Dharr, may Allah be pleased with him, as narrated by imam Ahmad.

And al-Bukhari and Muslim narrated from Abdullah ibn Umar, may Allah be pleased with them both, that he said: "Whenever we used to give bay'a to the Messenger of Allah (may Allah bless him and grant him peace) to hear and obey, the Messenger of Allah (may Allah bless him and grant him peace) would say to us: 'according to your ability.'"

The Bay'a of Women

As for the bay'a of women, al-Tabarani narrated from 'Azza bint Khaayel, may Allah be pleased with her, that "she came to the Prophet (may Allah bless him and grant him peace) and he took bay'a from her that: 'you do not commit adultery, you do not steal, and you do not kill your children, the apparent or the hidden.' She said: "As for the apparent killing of children, I knew what that was, but as for the hidden killing, I did not ask the Messenger of Allah (may Allah bless him and grant him peace) nor did he tell me. But it has come to my heart that it means: the corruption of the child, and so by Allah I will never let any of my children become corrupted!"

And the evidences on this are many, and he who wants to see more should consult Ibn Kathir's tafseer on aya 60:12, where he mentioned many of the bay'as of women. But it should be known that the Messenger of Allah (may Allah bless him and grant him peace) took bay'a from them verbally without his hands ever touching the hands of other women. His bay'a was to say to them: "I have taken bay'a from you upon such and such," as narrated by al-Bukhari from sayyida Aisha (may Allah be pleased with her).

The Bay'a of Children

It is also sunna for children to give bay'a. For it is narrated that Ibn al-Zubayr and Abdallah ibn Ja'far (may Allah be pleased with them) came to give bay'a to the Messenger of Allah (may Allah bless him and grant him peace) when they were seven years old. So when he saw them (may Allah bless him and grant him peace) he smiled and stretched out his hand to them, and they gave bay'a to him. (Narrated by Ibn Hajar al-Haythami in *Majma' al-Zawa'id*).

Conclusion

The evidences on this topic are many, and it suffices us to say that the bay'a or *'ahd* is one of the sunnas of Islam that were acted upon by the righteous *salaf*, and the Sufis still practice it to this day.

There is no doubt that if it is established that the Messenger of Allah (may Allah bless him and grant him peace) practiced it as a form of worship, and the encouragement of worship, then it is a sunna of the religion. And the bay'a that is practiced by the Sufis is a pledge to adhere to the rulings of Islam and to pay attention to the external acts as well as the inward acts of the heart. According to their custom it is called "the bay'a of the tariqa."

There are those who claim that it is an innovation, and that it has not been established as a practice of the Messenger of Allah (may Allah bless him and grant him peace) and that he only took the bay'a of Islam from those who had been non-believers, and took the bay'a of jihad from the believers. But their claim is rejected by all the authentic hadiths quoted above, where those giving bay'a were Companions, and it is therefore not the bay'a of accepting Islam. The wording of the hadiths clearly shows as well that they were not bay'a of jihad, but to adhere to the commands of the Shari'a and to pay careful attention to the works of Islam.

This shows that the rejection of the bay'a is based on ignorance of the Sunna, and amounts to a rejection of it. It is a rejection of the acts of the Messenger of Allah, *salla Allahu alayhi wa Alihi wa sallam*, and his noble Companions. He said Most High:

"Let those who go against (the Prophet's) orders beware lest a trial afflict them or they receive a painful punishment." (24:63)

4.2

DOCUMENT 5
To whom should bay'ah (allegiance) be given? - Islam Question & Answer

allegiance to him. Rather what is required of each individual is to submit to him and not go against him or rebel against him.

What is narrated in the ahaadeeth narrated in the books of Sunnah about bay'ah refers to giving allegiance to the Muslim leader, such as when the Prophet (peace and blessings of Allaah be upon him) said: "Whoever dies and did not make an oath of allegiance (to the Muslim leader) has died a death of jaahiliyyah." (Narrated by Muslim, 1851).

And he (peace and blessings of Allaah be upon him) said: "Whoever gives his oath of allegiance to a leader and gives him his hand and his heart, let him obey him as much as he can. If another one comes and disputes with him (for leadership), kill the second one." (Narrated by Muslim, 1844)

And he (peace and blessings of Allaah be upon him) said: "If allegiance is given to two khaleefahs, then kill the second of them." (Narrated by Muslim, 1853).

All of that undoubtedly has to do with giving allegiance to the Muslim leader.

Shaykh Saalih al-Fawzaan (may Allaah preserve him) said, answering a question about giving allegiance to the various groups: Bay'ah only has to do with the leader of the Muslims; these various bay'ahs are innovated and they are among the causes of division. The Muslims who are living in one country or one kingdom should have one allegiance to one leader; it is not permissible to have several kinds of bay'ah. al-Muntaqa min Fataawa al-Shaykh Saalih al-Fawzaan, 1/367

With regard to how the allegiance should be given to the leader, in the case of men it is done in word and in deed, namely with a handshake. In the case of women, it is done by word only. This is proven in the ahaadeeth which speak of

how allegiance was given to the Messenger of Allaah (peace and blessings of

5.1

Al-Ragheb al-Asfahani said : "And the pledge of allegiance of the sultan, if it involves obedience to him, is said to be a [3] ".pledge and a pledge

Ibn Khaldun said : I know that allegiance is the covenant on obedience, as if the salesman is holding his emir to give him consideration of himself and the affairs of the Muslims. He does not dispute any of that, and he obeys it with regard to what he is charged with. his reign made their hands in his hand confirmation of the era, so did Vocab seller and buyer, was called the pledge of allegiance, this is known as its significance in the language and confided Shara, [4] (which is to be in the pledge of allegiance in the modern prophet of the night of Aqaba and at the tree

In the term

Baiyah is: the choice of people solution and contract man to take the command of the nation to bring the benefits of religious and secular and pay harm to them, and suppressing the sedition and the establishment of borders and the dissemination of justice among them and deter injustice and victory of the oppressed

The Mukhtar requires nine descriptions: to be male, free, adult, wise, Muslim, fair, courageous, scholar, enough for the nation's policy and interests. If they choose these specifications, the pledge was made by the nation, and they have obeyed, and the implementation of what he ordered, and left what was forbidden, unless ordered to disobey God, not [obeyed. Because he said: "There is no obedience in sin, but obedience is in the known" [Agreed upon

The allegiance: It is the pledge of the people of the solution and the contract, from princes, scientists, presidents, - 2 and the faces of people who are available to attend the country of the imam

The allegiance was applied after the death of the Prophet, where the pledge was made to Abu Bakr by the - 3 Companions, but Omar was appointed and appointed Abu Bakr and had the pledge of allegiance then, and Othman , then Ali and then good and must be fulfilled, even if he was a sinner to prevent sedition so as not to lead to To divide [5] the word of the nation and to unite among themselves

History

Faithfulness in the Covenant of the Prophet

Companions swore allegiance to the Prophet of Islam men and women of different non - duplicate Sales of , Kabieh the first hurdle and the second pledge of Aqaba and Oabieh Radwan , and then rolled individuals and groups Sales of tribes espoused Islam Almighty this was once Bargains one in a lifetime

And most of the decrees of these ^{PLEDGES} sales were handshake hand in hand and say that we see that there is no god but Allah that you are the Messenger of God and your pledge to hear and obey

6.1

Benevolence in the era of the Caliphs

The pledge of Abu Bakr al-Siddiq once in his lifetime was from ' Umar ibn al-Khattab, who was once sworn in during his rule. Followed by Uthman



This article is part of the series
Islam

Beliefs in Islam

توحيد الله
الإيمان بالملائكة